



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA *ex rel.*
ELEVATION 33, LLC,

Plaintiffs,
v.
GUIDEHOUSE INC. and NAN MCKAY AND
ASSOCIATES, INC.

Defendants.

AT 10 O'CLOCK MOTION TO SEAL

FILED UNDER SEAL
PURSUANT TO
31 U.S.C. §§ 3729 *et seq.*

Civil Action No.

1:22-cv-206(DNH)(TWD)

Relators the Elevation 33, LLC ("Relator"), by their counsel, Black & Buffone PLLC and Thomas & Solomon LLP, on its own behalf and on behalf of the United States of America, moves this Court to accept for filing *in camera*, this complaint for money damages and civil penalties under the Federal False Claims Act, Title 31, United States Code, section 3729 *et seq.*, submitted contemporaneously with this motion, and to maintain the complaint under seal until further order of the Court. In support of this motion, Relator states as follows:

1. The complaint is being filed under the provisions of the Federal False Claims Act, Title 31, United States Code, section 3729 *et seq.* Section 3730(b) requires that the complaint be filed *in camera* and maintained under a seal for a period of sixty days after service upon the United States of both Relator's complaint and material evidence, extendable upon motion of the United States, and that the complaint shall not be served upon the defendant until so ordered by the Court.

2. Upon completion of service on the United States as prescribed by Federal Rule of Civil Procedure 4(i), Relator shall file under seal an affidavit of service with the Clerk of the Court indicating that service upon the United States has been completed. The affidavit of service will allow the Court and United States to determine when the sixty day seal expires.

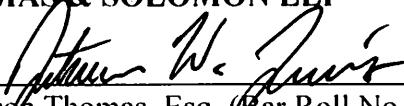
WHEREFORE, the Relator requests that this motion be granted and that the complaint be

accepted for filing *in camera* and under seal for a period of 60 days after the Government receives both Relator's complaint and material evidence.

Dated: March 4, 2022

THOMAS & SOLOMON LLP

By:


J. Nelson Thomas, Esq. (Bar Roll No. 509525)
Jonathan W. Ferris, Esq. (Bar Roll No. 519000)
Attorneys for Relators
693 East Avenue
Rochester, New York 14607
Telephone: (585) 272-0540
nthomas@theemploymentattorneys.com
jferris@theemploymentattorneys.com

BLACK & BUFFONE PLLC

Samuel J. Buffone, Jr. (*to be admitted pro hac vice*)
John W. Black (*to be admitted pro hac vice*)
Black & Buffone PLLC
1400 Eye St. NW
Suite 200
Washington, D.C. 20005
Telephone: (202) 997-8562
John@blackandbuffone.com
Sam@blackandbuffone.com

Attorneys for Plaintiff Elevation 33 LLC



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA *ex rel.*
ELEVATION 33, LLC,

v.

GUIDEHOUSE INC. and NAN MCKAY AND
ASSOCIATES, INC.

Plaintiffs,

Defendants.

AFFIRMATION

FILED UNDER SEAL
PURSUANT TO
31 U.S.C. §§ 3729 *et seq.*

Civil Action No.

1:22-cv-206 (DNH/TWD)

JONATHAN W. FERRIS affirms under the penalty of perjury:

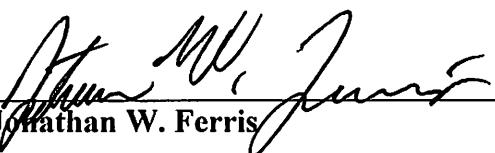
1. I am an attorney at Thomas & Solomon LLP, which represents the Relator in the above-captioned matter. I am fully familiar with the facts and circumstances surrounding this matter, and I submit this affirmation in support of Relator's motion to file the complaint under seal.

2. Relator's complaint in this action is brought pursuant to the Federal False Claims Act, Title 31, United States Code, section 3729 *et seq.* Section 3730(b) requires that the complaint be filed *in camera* and maintained under a seal for a period of sixty days after service of both the complaint and Relator's material evidence upon the United States, extendable upon motion of the United States, and that the complaint shall not be served upon the defendants until so ordered by the Court.

3. Upon completion of service on the United States as prescribed by Federal Rule of Civil Procedure 4(i), Relator shall file under seal an affidavit of service with the Clerk of the Court indicating that service upon the United States has been completed.

I affirm under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2022.



Jonathan W. Ferris